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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,477	07/18/2002	Andrew E. Fano	3383600003	9683

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ACCENTURE  
C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.  
222 NORTH LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/064,477

Applicant(s)

FANO, ANDREW E.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is in response to amendment filed 11/16/05.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 13 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 5, 13 and 19, "media indexing beacon" was not described in the specification, correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

It is unclear to the Examiner, that "a media indexing beacon" and "the beacon" are the same or they are difference. Correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 1-8 10-25-29 and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In the present case, claims 1-8, 10-25, 27-29 and 32 only recites an abstract idea and non-functional descriptive material. The recites steps of merely for transmitting and receiving media indexing and the steps does not apply, involve, use, or advance of useful, concrete and tangible result, since all the recited steps can be performed in the mind of the user or by use of a pencil an paper. These steps only constitute an idea of how to transmitting and receiving media files.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1-3, 5, 6, 8, 10, 13, 15, 19, 20, 25 and 27, 29 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Chaddha et al. (US 6151632) (Chaddha).**

Regarding claim 1, Chaddha discloses: A method for media indexing comprising: capturing a subject (video/audio) in a media file (video/audio file) with a media capture device (402, fig. 4 and col. 7, lines 5-26, Chaddha); automatically receiving index information separate from the media file from an external source related to the subject (col. 8, lines 34-50, Chaddha); and associating the index information with the media file (the secondary server receive the transmitting video/audio file and their associated indexes by Recaster col. 8, lines 37-43, Chaddha).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. However, Chaddha discloses: wherein the step of associating the index information with the media file further comprises: encoding the index information into the media file (col. 8, lines 22-32, Chaddha).

Regarding claim 5 , all the limitations of this claim have been noted in the rejection of claim 1. In addition, Chaddha discloses: wherein the index information, prior to being associated with the media file, is transmitted from a media indexing beacon (col. 8, lines 22-33, Chaddha).

Regarding claims 6 and 28, all the limitations of this claim have been noted in the rejection of claim 5 and 27. In addition, Chaddha discloses: wherein the step of receiving the index information is in response to an index information request (col. 8, lines 22-33, Chaddha).

Regarding claim 8, all the limitations of these claims have been noted in the rejection of claim 1. In addition, Chaddha discloses: storing index information relating to a subject (col. 7, lines 5-26 and 41-43, Chaddha); receiving an index information request that is generated by a media capture device (col. 7, lines 5-25, col. 8, lines 34-50 Chaddha); transmitting the index information relating to the subject separately to a media capture device ( col. 8, lines 34-50, Chaddha).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Chaddha discloses: wherein the media capture device receives the index information and associates the index information with a media file ( col. 8, lines 34-50, Chaddha).

As per claim 13, all the limitations of these claim have been noted in the rejection of claims 1 and 5. It is therefore rejected as set forth above.

Regarding claims 3 and 15, all the limitations of these claims have been noted in the rejection of claims 1 and 13. In addition, Chaddha discloses: further comprising: providing the media file and the index information to a media file storage device which comprises a plurality of stored media files (media files) having index information associated therewith (col. 8, lines 22-50, Chaddha); and storing the media file along with the plurality of stored media files (col. 7, lines 41-45 and col. 8, lines 22-50, Chaddha).

Regarding claim 19, Chaddha discloses: a media capture and indexing system comprising a media indexing beacon which generate a beacon signal (bandwidth)

containing index information relating to a subject (video/audio) and a media capture device (402, fig. 4, Chaddha) that captures the subject in a media file and separately receives the beacon signal (data channel) from the beacon and associates the index information with the media file (col. 8, lines 22-50, Chaddha).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19. In addition, Chaddha discloses: wherein the media capture device captures a plurality of media files each having index information associated therewith, the system further comprising: a media file storage device that receives the plurality of media files, wherein the plurality of media files may be indexed on the index information (col. 7, lines 40-45 and col. 8, lines 22-50, Chaddha).

As per claim 25, all the limitations of these claims have been noted in the rejection of claims 1 and 8. It is therefore rejected as set forth above.

As per claim 27, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

As per claim 29, all the limitations of this claim have been noted in the rejection of claims 1 and 8. It is therefore rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 7, 11, 12, 14, 16-18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha et al. (US 6151632) (Chaddha) in view of Wang et al. (20020083060) (Wang).**

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 3. However, Chaddha didn't disclose: wherein the media file storage device stores the media file and index information, the method further comprising at least one of the following: searching the plurality of stored media files using the index information and enabling a commercial system with the plurality of stored media files using the index information. On the other hand, Wang discloses: wherein the media file storage device stores the media file and index information, the method further comprising at least one of the following: searching the plurality of stored media files using the index information and enabling a commercial system with the plurality of stored media files using the index information (paragraph 0081, Wang). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include step for searching the plurality of stored media files using the index information and enabling a commercial system with the plurality of stored media files using the index information- in the system of Chaddha as taught by Wang. The motivation being to enable the system provide creating an index of a number of media files in a database to reduce the time searching to locate potentially matching files.



Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Chaddha/Wang discloses: wherein the index information is wirelessly transmitted to the media capture device (0044, Wang).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Chaddha/Wang discloses: prior to providing index information from the media indexing beacon, further comprising detecting a user input to capture the media file (0106, Wang); and providing an index information request to the media indexing beacon (col. 8, lines 22-50, Chaddha).

As per claim 16, all the limitations of these claims have been noted in the rejection of claims 3, 4 and 15. It is therefore rejected as set forth above.

Regarding claims 7, 12 and 17, all the limitations of these claims have been noted in the rejection of claims 1 and 8 and 13 above, respectively. In addition, Chaddha/Wang discloses: wherein the index information comprises at least one of the following: a time indicator, a landmark indicator, an event indicator, a global positioning system indicator, commercial information, a universal resource locator, and a proximity indicator (0081, Wang).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17. In addition, Chaddha/Wang discloses: wherein the index information enables a media file to be utilized by at least one commercial system, wherein the at least one commercial system comprises at least one of the following: a

workflow system, a procurement system, a retail sales system, and a safety inspection/auditing system (0081, Wang).

Regarding claim 32, all the limitations of this claim have been noted in the rejection of claim 27. In addition, Chaddha/Wang discloses: wherein the apparatus comprises a digital camera and wherein the means for receiving index information includes a wireless receiver (0044, Wang).

**Claims 21-24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha et al. (US 6151632) (Chaddha) in view of Wang et al. (20020083060) (Wang) and further in view of Katseff et al. (US 5822537) (Katseff).**

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claims 11 and 19. However, Chaddha/Wang didn't disclose: wherein the media indexing beacon further comprises: at least one index buffer comprising the index information; and a transmitter operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device. On the other hand, Katseff discloses: wherein the media indexing beacon further comprises: at least one index buffer comprising the index information (col. 15, lines 16-37, Katseff); and a transmitter operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device (310, fig. 3 and corresponding text, Katseff). Thus, at the time invention was made, it would have been

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obvious to a person of ordinary skill in the art to include wherein the media indexing beacon further comprises: at least one index buffer comprising the index information; and a transmitter operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device in the system of Chaddha/Wang as taught by Katseff. The motivation being to enable the system provide a data buffer monitoring subroutine to maintain a pre-defined amount of audio and video data in the audio and video buffers.

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 21. In addition, Chaddha/Wang /Katseff discloses: wherein the media indexing beacon further comprises a receiver that receives an index information request from the media capture device, wherein the transmitter transmits the index information in response to the index information request (370, 340, 31, fig. 3 and corresponding text, Katseff).

As per claims 23 and 24, all the limitations of these claims have been noted in the rejection of claims 21 and 22. It is therefore rejected as set forth above.

As per claim 28, all the limitations of this claim have been noted in the rejection of claims 21 and 27. It is therefore rejected as set forth above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CV

Cindy Nguyen  
January 13, 2006

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**